

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, APRIL 17, 2006 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101
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OTHER LEGISLATIVE MEETINGS

A Special Meeting of the **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Special Presentation

ITEM-600: Presentation of the Fiscal Year 2007 Proposed Budget by the Mayor.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Nonexclusive Chilled Water Franchise Agreement with JMIR-Chilled Water LLC, for Temperature Controlled Water Located in the Ballpark District. (Ballpark District Community Area. District 2.)
CITY ATTORNEY'S RECOMMENDATION: Introduce the ordinance.

ITEM-201: Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2006-2007.
STAFF'S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B, C, and D:

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Monday's, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Public Notices

- ITEM-250: **Notice** of Pending Final Map Approval – Bamboo Gardens.
- ITEM-251: **Notice** of Pending Final Map Approval - 1644 Oliver Avenue.
- ITEM-252: **Notice** of Pending Final Map Approval – 3562 Marlborough
Condominiums.
- ITEM-253: **Notice** of Pending Final Map Approval – Sterling Court Subdivision.
- ITEM-254: Submission of Ballot Proposals

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL PRESENTATION:

ITEM-600: Presentation of the Fiscal Year 2007 Proposed Budget by the Mayor.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

ITEM-200: Nonexclusive Chilled Water Franchise Agreement with JMIR-Chilled Water LLC, for Temperature Controlled Water Located in the Ballpark District.

(Ballpark District Community Area. District 2.)

(Continued from the meetings of March 21, 2006, Item 53, and March 27, 2006, Item S400, last continued at the request of Councilmember Frye, for further review.)

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-97 Cor. Copy)

Introduction of an Ordinance authorizing and empowering the Mayor, for and on behalf of the City, to execute a non-exclusive Chilled Water Franchise Agreement between the City of San Diego and JMIR-Chilled Water LLC, under the terms and conditions set forth in the Chilled Water Franchise Agreement;

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4) because this activity is the creation of a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment.

NOTE: 6 votes required.

SUPPORTING INFORMATION:

Rather than construct separate heating and cooling facilities for each of the Ballpark, Omni Hotel, and their other development responsibilities in the Ballpark District, Padres/JMI Realty (JMI) constructed a central chilled water system (Chilled Water System), located on the D1 - D2 lots. The City, through the Centre City Development Corporation, permitted the necessary placement of pipes in the public right-of-way to serve those specific locations only pursuant to permanent encroachment permits. A franchise agreement with the City is required, however, for JMI to sell chilled water to other development within the Ballpark District. JMI is proposing that the City grant a non-exclusive franchise, conveying the right to use the City's streets for the purpose of constructing, maintaining, and operating a Chilled Water System for provision of temperature controlled water (Service) in the Ballpark District.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-200: (Continued)

SUPPORTING INFORMATION: (Continued)

The proposed franchise agreement (Agreement) is between the City and JMIR-Chilled Water LLC, a Delaware limited liability company (Grantee). Pursuant to the Agreement, the Grantee will make the Service available to facilities within the Ballpark District, including facilities that are owned or controlled by the City (e.g., the Ballpark and proposed new main library), the Redevelopment Agency of the City of San Diego, the Centre City Development Corporation, and the Metropolitan Transit Development Board (Public Projects). The Grantee is not responsible for paying the franchise fee for Service (Exempt Gross Receipts) provided to the Public Projects, as well as projects which JMI or its affiliates control. Or have a substantial ownership interest in (i.e., an ownership interest of 25% or more); projects which were developed as part of Phase 1 of the Ballpark District; and the Omni residential condominiums (collectively Exempt Projects). The Grantee will pay a franchise fee of 5% of "non-exempt gross receipts." Non-exempt gross receipts means all gross operating revenues received by the Grantee from the sale of the Service within the Ballpark District less Exempt Gross Receipts. The franchise fee is equivalent to the franchise fee imposed on cable franchised and is more than what currently is paid by SDG&E for its franchise.

The term of the Agreement is fifty years. The Agreement contains standard franchise agreement language respecting: relocation of facilities at the Grantee's own cost and expense when required to do so by the City; restoration of the public right-of-way disturbed by the construction, operation, or removal of the Chilled Water System; and payment of the City's trench cut fee and related warranties. The franchise may not be transferred or assigned without the City's written consent. The Grantee is required to provide the City with a Security Fund in the amount of at least \$50,000, as security for the faithful performance of the provisions of the Agreement, and is responsible for paying any possessory interest tax that may be levied by the County.

All franchise fee receipts and Security funds resulting from this agreement will be deposited in to the General Fund (Fund 100).

Haas/Salt

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

ITEM-201: Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2006-2007.

(Continued from the meeting of April 3, 2006, Item 200, at the request of the Mayor, for further review.)

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2006-111)

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2006-2007.

Subitem-B: (R-2006-857)

Establishing overtime eligibility of classifications in the classified service.

Subitem-C: (R-2006-858)

Amending employee representation units to add new classifications and remove deleted classifications from existing appropriate units as established in the Fiscal Year 2005-2006 Salary Ordinance.

Subitem-D: (R-2006-859)

Establishing and adopting a Cafeteria Benefits Plan for all designated eligible employees and authorizing classifications eligible for the Management Benefits Plan.

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PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval – Bamboo Gardens.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Bamboo Gardens” (T.M. No. 183216/PTS No. 90820), located on the east side of 41st Street between Meade Avenue and Monroe Avenue in the Mid-City: Kensington-Talmadge Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval - 1644 Oliver Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "1644 Oliver Avenue" (T.M. No. 23352/PTS No. 87253), located on the north side of Oliver Avenue between Ingraham Street and Jewell Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

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PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Notice of Pending Final Map Approval – 3562 Marlborough Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3562 Marlborough Condominiums” (T.M. No. 130943/PTS No. 80283), located on the east side of Marlborough Avenue between Myrtle Street and Dwight Street in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval – Sterling Court Subdivision.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sterling Court Subdivision” (T.M. No. 85660/PTS No. 84903), located on the southwest corner of Altadena Avenue and Sterling Court in the Mid-City: City Heights Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/16/2006	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/21/2006	139	Rules Committee review of ballot proposals
Monday	6/26/2006	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/10/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/31/2006	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

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